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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,189	01/25/2002	Sarah E. Campbell	D/A1496 (1508/3550)	9199
7590 09/25/2008 Gunnar G. Leinberg, Esq. Nixon Peabody LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051				
EXAMINER WILLIAMS, KIMBERLY A				
ART UNIT 2625		PAPER NUMBER		
MAIL DATE 09/25/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/055,189

**Applicant(s)**

CAMPBELL ET AL.

**Examiner**

Kimberly A. Williams

**Art Unit**

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7, 9-14, 16, 17, 19-24, 26, 27 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) 4, 14 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 9-13, 16, 17, 19-23, 26, 27, 29-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

**Applicants please note that a new examiner has been assigned to this application.**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,6,7,9-13,16,17,19-23,26,27,29-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Haines et al. (US 2002/0072998).

Regarding **claim 1**, Haines teaches a method comprising: requesting, with a peripheral device (fig. 1; pc purchaser 12) via a communications network (16) connected to the peripheral device, identity of a plurality of suppliers (para. 84, purchaser can request reseller lists) for at least one consumable for the peripheral device; receiving, at the peripheral device via the communications network, information identifying a plurality of suppliers for the at least one consumable in response to the request (para. 84, the purchaser receives updated information from the manufacturer website; para. 89 purchaser can receive a list or preferred or favorite resellers); and indicating, with the peripheral device, one of the identified plurality of suppliers to submit an order for the at least one consumable to the indicated supplier based on the received information, via

the communication network (para. 85, the purchaser selects a reseller), wherein the received information further comprises information identifying a quantity of the at least one consumable at each of the identified plurality of suppliers (para. 84 other details from a website maintained by a device manufacturer related to purchase transactions for consumables reads on the quantity information), and the method further comprising the step of displaying or printing each identified quantity of the at least one consumable (fig. 1, user interface 27 has a display 29).

Regarding **claim 2**, Haines teaches indicating, at the peripheral device, when replacement of at least one of the consumables in the peripheral device is recommended, wherein the request is based on the indication of the recommended replacement (para. 72, the purchaser can take action to check inventory; para. 76, a threshold can be set that tells the maintainer to change the toner; para 94 last sentence; para. 78, each purchaser sets a minimum inventory order trigger).

Regarding **claim 6**, Haines teaches that the received information further comprises information identifying a price of the at least one consumable at each of the identified plurality of suppliers, and the method further comprising the step of displaying or printing each identified price of the at least one consumable (para. 84 other details from a website maintained by a device manufacturer related to purchase transactions for consumables reads on the price; fig. 1, user interface 27 has a display 29).

Regarding **claim 7**, Haines teaches that the received information further comprises information identifying a location of each of the identified plurality of suppliers, and the method further comprising the step of displaying or printing each location of the identified plurality of suppliers (para. 60, the purchaser can go to the physical store location; fig. 1, user interface 27 has a display 29).

Regarding **claim 9**, Haines teaches processing the submitted order (para. 85, the AutoReorder system handles the processing of the order submitted by the purchaser); and supplying the at least one consumable for the peripheral device (figs. 3 & 4, "new toner" is supplied from the reseller).

Regarding **claim 10**, Haines teaches that the processing the submitted order further comprises receiving a payment for the at least one consumable (para. 85, the purchaser selects payment methods).

Regarding **claim 31**, Haines teaches receiving the request, and identifying the plurality of suppliers for the at least one consumable based on the received request (para. 84, purchaser can request reseller lists; the purchaser receives updated information from the manufacturer website; para. 89 purchaser can receive a list or preferred or favorite resellers).

Regarding **claim 3**, Haines teaches retrieving information about the peripheral device making the request, wherein the identifying the plurality of suppliers is based on the retrieved information (para. 91, the ordering system is configured to implement part number translation).

Regarding **claim 34**, Haines teaches at least one of displaying said received identification information (fig. 1, user interface 27 has a display 29) and printing said received identification information.

**Claims 11-13,16,17,19-23,26,27,29,30,32,33,35 and 36** are corresponding apparatus and computer readable medium claims and are rejected for the same reasons as above.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al. (US 2002/0072998) in view of Haines et al. (US 6529692).

Regarding **claim 37**, Haines ('998) fails to specifically disclose that the peripheral device (fig. 1; pc purchaser 12) is a device selected from a printer, a copy machine, and

a facsimile machine.

Haines ('692) teaches a consumable order assistance system having a single connection environment (20) between the PC (12) and the printer (14). The PC (12) comprises a printer driver (38) A hard copy output (54) can be printed out.

Haines ('998) could be modified with the single connection environment of Haines ('692). This modification would have been obvious to one of ordinary skill in the art at the time of the invention for the purpose of minimizing the time and effort needed to maintain consumables and keep computer components functional, given the express suggestion of Haines ('692; col. 1, lines 50-60).

**Claims 38 and 39** are corresponding apparatus and computer readable medium claims and are rejected for the same reasons as above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly A. Williams whose telephone number is (571) 272-7471. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly A Williams/  
Primary Examiner, Art Unit 2625

KAW  
September 21, 2008